

JUN 26 1997

In The

~~Supreme Court of the United States~~

CLERK

OCTOBER TERM, 1996

In re:

DENISE RENEE BEASLEY.

FIDELITY FINANCIAL SERVICES, INC.,

*Petitioner,*

v.s.

RICHARD V. FINK, Trustee,

*Respondent.*ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE EIGHTH CIRCUIT

## JOINT APPENDIX

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PETITION FOR CERTIORARI FILED FEBRUARY 25, 1997  
CERTIORARI GRANTED MAY 12, 1997

18pp

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**CHRONOLOGICAL LIST OF RELEVANT  
DOCKET ENTRIES**

<u>Date</u>	<u>Proceedings</u>
11/18/94	Voluntary Petition all schedules and statements. Filing Fee: 160.00 RecNr: 86557 Num of Pgs: 15 (ys) [EOD 11/18/94] [94-43096]
11/18/94	First Meeting of Creditors Scheduled For 1:00 12/19/94 At Trustee's Office, Ste. 607 Last Day To Oppose Discharge: 2/17/95 (ys) [EOD 11/18/ 94]
11/22/94	Courts Certificate of Mailing Re: [0-0] First Meeting # of notices: 26. (ys) [EOD 11/22/94] [94-43096]
11/28/94	Notice of Appointment of Trustee, Bond Amt \$7,300,000 Gary D Barnes (kf) [EOD 11/30/94] [94-43096]
12/16/94	Notice of Appearance And Request For Service Of Notice By Michael P. Gaughan for Creditor Fidelity Financial Services, Inc. (dh) [EOD 12/19/94] [94-43096]
12/19/94	First Meeting Held and Examination of Debtor. (br) [EOD 12/21/94]
2/16/95	Motion by Debtor Denise Renee' Beasley To Convert Case From Chapter 7 to Chapter 13 (5) (br) [EOD 02/16/95] [94-43096]
2/16/95	Chapter 13 Plan. (br) [EOD 02/21/95] [94-43096]

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2/16/95	Amended Schedules E,J And Certificate of Service. (br) [EOD 02/21/95] [94-43096]	3/30/95	Hearing Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. schd For 9:00 5/8/95 at Rm 927, Kansas City (mb) [EOD 03/30/95] [94-43096]
2/21/95	Order Granting [5-1] Motion To Convert Case From Chapter 7 to Chapter 13 by Denise Renee' Beasley Trustee Gary D. Barnes terminated. (br) [EOD 02/21/95] [94-43096]	3/30/95	First Meeting Held and Examination of Debtor. (mb) [EOD 04/12/95]
2/22/95	Certificate Of Service By Maureen Scully for Debtor Denise Renee' Beasley Of [7-1] Chapter 13 Plan. (mr) [EOD 02/22/95] [94-43096]	4/3/95	Trustee's Report of No Distribution and Notice of Intent to Abandon By Trustee Gary D. Barnes. (mb) [EOD 04/04/95] [94-43096]
2/23/95	First Meeting of Creditors Scheduled For 9:00 3/30/95 At Trustee's Office, Ste. 607; Last Day to File Proofs Of Claim: 6/28/95 (ys) [EOD 02/23/95]	4/19/95	Motion By Creditor Housing and Urban Dev. For Relief From Stay regarding real property. RecNr: none (mb) [EOD 04/20/95] [94-43096]
2/23/95	Courts Certificate of Mailing Re: [0-0] First Meeting # of notices: 28. (ys) [EOD 02/23/95] [94-43096]	4/20/95	Notice and Order Setting hearing on [14-1] Motion For Relief From Stay regarding real property by Housing and Urban Dev.; Objections due by 5/4/95; Hearing scheduled for 9:00 5/8/95 at Rm 927, Kansas City (mb) [EOD 04/20/95] [94-43096]
2/28/95	Order For Employer: Ford Motor Co. To Pay Trustee \$77.00 weekly. (mb) [EOD 02/28/95] [94-43096]	5/5/95	Order Granting [14-1] Motion For Relief From Stay regarding real property by Housing and Urban Dev. (mb) [EOD 05/05/95] [94-43096]
3/8/95	Case Reassigned. Involvement of Judge Karen M. See Terminated. Judge Frank Koger in 94-43096 Assigned. (dh) [EOD 03/08/95] [94-43096]	5/8/95	Hearing Held Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. Consent order regarding stay. Special setting for objection to confirmation. Court to do notice. (td) [EOD 05/08/95] [94-43096]
3/30/95	Objection By Creditor Fidelity Financial Services, Inc. To Confirmation Of Plan. (mb) [EOD 03/30/95] [94-43096]	5/8/95	Joint Stipulation and Order Granting [14-1] Motion For Relief From Stay regarding real property by Housing and Urban Dev. (td) [EOD 05/08/95] [94-43096]

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5/8/95 Application By Trustee Richard Fink To Employ UAW Legal Services Plan as special counsel for Trustee. (td) [EOD 05/08/95] [94-43096]

5/8/95 Declaration by Maureen Scully in Support To [18-1] Application To Employ UAW Legal Services Plan as special counsel for Trustee by Richard. (td) [EOD 05/08/95] [94-43096]

5/8/95 Order Granting [18-1] Application To Employ UAW Legal Services Plan as special counsel for Trustee by Richard Fink (td) [EOD 05/08/95] [94-43096]

5/9/95 Hearing Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. schd For 9:00 6/9/95 at Rm 927, Kansas City (mb) [EOD 05/09/95] [94-43096]

6/6/95 Complaint (95-4081) Denise R. Beasley vs. Fidelity Financial Services, Inc. NOS 454 Recover Money/Property Receipt # (dc) [EOD 06/06/95] [95-4081]

6/6/95 Trustee's Application to Defer Filing Fees and Order. (95-4081) (dc) [EOD 06/06/95] [95-4081]

6/9/95 Stipulation by and between Creditor Fidelity Financial Services, Inc., Debtor Denise Renee' Beasley For adequate protection payments and payment of sales tax preconfirmation settling [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. (mb) [EOD 06/09/95] [94-43096]

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6/9/95 Order Granting [21-1] stipulation by Denise Renee' Beasley, Fidelity Financial Services, Inc. allowing debtor to pay 919.22 dollars for sales taxes Document [12-1] terminated. (mb) [EOD 06/09/95] [94-43096]

6/9/95 Hearing Held Re: [12-1] confirmation of plan Objection by Fidelity Financial Services, Inc. Stipulation filed, debtor to pay sales taxes and allow adequate protection. (mb) [EOD 06/09/95] [94-43096]

7/14/95 Disposition of Adversary (95-4081) Granting [1-1] Complaint NOS 454 Recover Money/Property (sw) [EOD 07/14/95] [95-4081]

7/14/95 Adversary Case (95-4081) Closed. (sw) [EOD 07/14/95] [95-4081]

7/25/95 Clerk's Judgment For Plaintiff Richard V. Fink in 95-04081 Against Defendant Fidelity Financial Services, Inc. in 95-04081 (mb) [EOD 07/25/95] [94-43096 95-4081]

8/28/95 AMENDED Clerk's Judgment For Plaintiff Richard V. Fink in 95-04081 Against Defendant Fidelity Financial Services, Inc. in 95-04081. IT is ordered and adjudged the Chapter 13 Trustee's request for relief in is complaint is Granted. Fidelity Financial Services lien is set aside as a voidable preference. The foregoing Memorandum Opinion constitutes Findings of Fact and Conclusions of Law as required by Rule 7052, Rules of Bankruptcy. (mb) [EOD 08/28/95] [94-43096 95-4081]

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9/6/95 TRANSMITTAL of Record on Appeal BK No 94-43096-13 APP 95-4081-13 Bankruptcy Record on Appeal (rt)

9/6/95 NOTICE RE: BANKRUPTCY APPEAL; appellant's brief due 9/21/95 (rt)

9/8/95 Request By Trustee Richard Fink For Hearing Re: [7-1] Chapter 13 Plan. (mb) [EOD 09/08/95] [94-43096]

9/8/95 Hearing Re: [7-1] Chapter 13 Plan Confirmation Hearing scheduled 9:00 10/16/95 at Rm 927, Kansas City (mb) [EOD 09/08/95] [94-43096]

9/8/95 Courts Certificate of Mailing Re: [0-0] Hearing # of notices: 32. (mb) [EOD 09/08/95] [94-43096]

9/13/95 Motion By Creditor Fidelity Financial Services, Inc. To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order. (mb) [EOD 09/14/95] [94-43096]

9/15/95 ORDER: by Judge D. B. Bartlett: reassigning this case to Judge Ortrie D. Smith (cc: all counsel) (dh)

9/18/95 Hearing Re: [27-1] Motion To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order by Fidelity Financial Services, Inc. Scheduled For 9:00 10/16/95 at Rm 927, Kansas City (va) [EOD 09/18/95] [94-43096]

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9/19/95 MOTION by defendant/appellant Fidelity Financial to extend time to file appeal w/sugg (gk) [Entry date 09/20/95]

9/26/95 ORDER by Judge Ortrie D. Smith granting motion to extend time to file appeal [4-1] to 10/11/95 (cc: all counsel) (gk) [Entry date 09/28/95]

10/11/95 BRIEF FILED by defendant/appellant Fidelity Financial (gk)

10/16/95 Hearing Held Re: [27-1] Motion To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order by Fidelity Financial Services, Inc. [7-1] Chapter 13 Plan. P.O. Confirming R.F. trustee to hold money pending appeal, Order entered staying judgment; Objection to confirmation by Fidelity MOOT. (mb) [EOD 10/17/95] [94-43096]

10/16/95 Order Granting [27-1] Motion To Stay [24-1] Judgment Order, [23-1] Judgment Order pending appeal, and for trustee to hold all plan payments until final order by Fidelity Financial Services, Inc. (mb) [EOD 10/17/95] [94-43096]

10/17/95 Courts Certificate of Mailing Re: [28-1] Order # of notices: 32. (mb) [EOD 10/17/95] [94-43096]

10/24/95 MOTION by plaintiff/appellee Richard V Fink to extend time to file appellee's brief (dh) [Entry date 10/25/95]

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10/26/95 Order Confirming Chapter 13 Plan as ORALLY amended 3/30/95. (mb) [EOD 10/26/95] [94-43096]

10/26/95 Courts Certificate of Mailing Re: [30-1] chapter 13 plan Order # of notices: 32. (mb) [EOD 10/26/95] [94-43096]

10/27/95 ORDER by Judge Ortrie D. Smith granting appelle Richard F. Fink motion to extend time to file appellee's brief [7-1] until 11/15/95 (cc: all counsel) (gk) [Entry date 10/30/95]

11/15/95 BRIEF FILED by interested party Richard V Fink (dh) [Entry date 11/16/95]

11/30/95 Order, and motion To Allow Claims as filed Objections due within 20 days. (mb) [EOD 11/30/95] [94-43096]

11/30/95 Courts Certificate of Mailing Re: [32-2] Order # of notices: 30. (mb) [EOD 11/30/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of Jackson Co Water Dist #1 (ds) [EOD 12/20/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of American Ntl Insurance (ds) [EOD 12/20/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of JC Penney (ds) [EOD 12/20/95] [94-43096]

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12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of MO Guaranteed Student Loan (ds) [EOD 12/20/95] [94-43096]

12/19/95 Objection By Debtor Denise Renee' Beasley To Claim of World Financial Ntwk (ds) [EOD 12/20/95] [94-43096]

12/20/95 Hearing Re: [38-1] Claims Objection Claim of World Financial Ntwk by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [37-1] Claims Objection Claim of MO Guaranteed Student Loan by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [36-1] Claims Objection Claim of JC Penney by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [35-1] Claims Objection Claim of American Ntl Insurance by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City, [34-1] Claims Objection Claim of Jackson Co Water Dist #1 by Denise Renee' Beasley schd For 9:00 1/22/96 at Rm 927, Kansas City (ds) [EOD 12/20/95] [94-43096]

1/22/96 Hearing Held Re: [38-1] Claims Objection Claim of World Financial Ntwk by Denise Renee' Beasley, [37-1] Claims Objection Claim of MO Guaranteed Student Loan by Denise Renee' Beasley, [36-1] Claims Objection Claim of JC Penney by Denise Renee' Beasley, [35-1] Claims Objection Claim of American Ntl Insurance by Denise Renee' Beasley, [34-1] Claims Objection Claim of Jackson Co Water Dist #1 by Denise Renee' Beasley. Orders allowing objections. (sw) [EOD 01/22/96] [94-43096]

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1/22/96 Order Granting [34-1] Claims Objection Claim of Jackson Co Water Dist #1 by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [35-1] Claims Objection Claim of American Ntl Insurance by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [36-1] Claims Objection Claim of JC Penney by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [37-1] Claims Objection Claim of MO Guaranteed Student Loan by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 Order Granting [38-1] Claims Objection Claim of World Financial Ntwk by Denise Renee' Beasley. Claim is disallowed. (sw) [EOD 01/22/96] [94-43096]

1/22/96 ORDER by Judge Ortrie D. Smith denying pla's appeal motion Bankruptcy Record on Appeal [1-1] the Bankruptcy Court's decision in this case is affirmed and terminating case (cc: all counsel) (kg)

2/5/96 CERTIFICATE by defendant/appellant Fidelity Financial of service of copy of ntc of appeal to US Ct of Appeals for the 8th Cir (jg2) [Entry date 02/07/96]

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2/9/96 CLERK'S JUDGMENT that the Bankruptcy Court's decision in this case is Affirmed Entered on: 2/9/96 (cc:All Counsel) (dh)

2/9/96 NOTICE OF APPEAL by defendant/appellant Fidelity Financial from Dist. Court decision [12-1] Filed 2/9/96 Entered 2/9/96 Paid \$ 105.00 Rct. # 106195 (kp) [Entry date 02/13/96]

2/14/96 Delivered to USCA 2 ctd cpys of appeal ntc and dkt entries; 2 cpys of Ord fld: and Jgm fld: and NOA Supplement (cc: attys and Judge) (kp) [Entry date 02/21/96]

2/20/96 Bankruptcy Case Docketed Dist. Ct. Office: Kansas City (11b)

2/20/96 CERTIFIED copies notice of appeal, docket entries, [96-1430] and judgment of 1/22/96 from district court[675713] (11b)

2/20/96 BRIEFING SCHEDULE: [96-1430] Method of Apndx due on 3/1/96; DR aplnt due on 3/1/96; Aplee DR due on 3/11/96; Joint Apndx due on 4/1/96; Aplnt brief due on 4/1/96; Aplee brief due on 5/1/96 ; Reply brief due on 5/15/96; (lib)

2/26/96 Notification by Circuit Court of Appellate Docket Number 96-1430 (kp)

3/1/96 APPEARANCE for appellant, attorney Michael P. Gaughan [96-1430] [680480] (11b)

3/1/96 DESIGNATION of record received from Appellant Fidelity Financial. Type of appendix: joint [96-1430] (rla)

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3/1/96 REMARKS: No transcripts necessary. [96-1430] (rla)

3/11/96 APPEARANCE for appellee, attorney Maureen A. Scully [96-1430] [684205] (11b)

4/1/96 BRIEF FILED - Brief of Appellant - Fidelity Financial 19 pgs w/addendum - 10 copies - w/ service 3/28/96. Defects: summ. and req. of oral erg., summ. of erg., [96-1430] [692508] (rla)

4/1/96 RECORDS received: Joint Appendix, consisting of one Volume(s) 3 copies. [96-1430] (rla)

4/30/96 BRIEF FILED - Brief of Appellee - Richard V. Fink. 15 pgs w/addendum - 10 copies - w/service 4/29/96. [96-1430] [703542] (rla)

5/3/96 TO SCREENING - to dcm. [96-1430] [705555] (smg)

5/8/96 RETURNED from Screening - NO ARGUMENT. [96-1430] (smg)

5/10/96 No Arg letter sent to counsel. [96-1430] (smg)

10/7/96 SUBMITTED ON THE BRIEFS without oral argument to Judges C. A. Beam, David R. Hansen, Morris S. Arnold. [96-1430] (dmh)

11/2/96 Case Reassigned to Judge Arthur Federman in 94-43096 (bcap) [EOD 11/02/96] [94-43096]

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11/27/96 THE COURT: C. A. Beam, David R. Hansen, Morris S. Arnold . PER CURIAM OPINION FILED: UNPUBLISHED [96-1430] [784830] (mjh)

11/27/96 JUDGMENT: C. A. Beam, David R. Hansen, Morris S. Arnold : The judgment of the lower court is AFFIRMED in accordance with the opinion. [96-1430] [784831] (mjh)

12/4/96 JUDGE ORDER: It is hereby ordered at the direction of the court that the unpublished per curiam opinion filed on November 27, 1996, be published. [787110] (mjh)

12/18/96 MANDATE ISSUED [96-1430] (mjh)

12/23/96 CERTIFIED copy of judgment and order from USCA ORDERED THAT affirming the decision of the District Court [13-1]; Mandate issued: 12/18/96; Appeal record due 1/22/97 (cc: all counsel) (mm) [Entry date 12/24/96]

12/26/96 RECEIPT for Mandate. [96-1430] [795439] (mjh)

3/3/97 U.S. Supreme Court notice regarding petition for writ of certiorari. Filed in the Supreme Court on 2/25/97. Supreme Ct. Case No. 96-1370 [96-1430] [820253] (mjh)

5/15/97 Notification from Supreme Court dated 5/12/97 stating that they had entered an order granting Supreme Court notice for certiorari [820253-1] [96-1430] [853272] in Sup. Ct. No. 36-1370. [96-1430] (mjh)

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5/19/97

WRIT of certiorari was filed in the U.S. Supreme  
Court and has been granted The Supreme Court  
No. is 96-1370 (kp)